

Remarks

Claims 381-394, 398-400, 402-406, 413-415, 419-434 and 436-466 are currently pending in the Application and Claims 387-391, 414, 436-447, 451-452 and 454-466 are herein canceled without prejudice.

Claim objections

The Examiner objects to Claims 442 and 451 because of typographical errors. Applicants submit that Claims 442 and 451 have been canceled and request that the objection be withdrawn.

The Examiner objects to Claim 389 for allegedly not using industry established terms. Applicants submit that Claim 389 has been canceled and request that the objection be withdrawn.

35 U.S.C. §112, second paragraph, rejections

Claims 381-395, 398-400, 405, 413-414, 429, 432-434, 448-453 and 458-466 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants submit that the rejected claims have been either amended or canceled and request that the objections be withdrawn.

In the Advisory Action dated August 16, 2006, the Examiner has indicated that the proposed amendments did not resolve all issues raised by the Examiner. In response to the Examiner's comments, Applicants submit the following:

With respect to section 2, Applicants submit that Claim 381 has been amended to provide sufficient antecedent basis for "call setting request" and request that the rejection be withdrawn.

With respect to section 3, the Examiner asserts that Claim 381 is unclear because the terminology “communication line” is not commonly used in packet networks.

Applicants submit that the Examiner has **not** established a *prima facie* case of Claim 381 being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants note that

“Definiteness of claim language must be analyzed, not in a vacuum, but in light of: A) The content of the particular application disclosure; B) The teachings of the prior art; and C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.” See MPEP §2173.02.

Applicants submit that the Examiner has **not**, at least, analyzed the definiteness of Claim 381 language in light of the teachings of the prior art.

Applicants respectfully submit that Examiner has improperly alleged that the terminology “communication line” is not commonly used in packet networks. See page 2, lines 7-8 of the Advisory Action. Applicants’ search of the USPTO web site revealed at least two granted patents dealing with packet switching containing the term “communication line” in their claims. See partial printouts of two patents revealed from the search of the USPTO website enclosed herein.

Applicants submit that one skilled in the art when reading a “communication line” as recited in Claim 381 in light of the teachings of the two granted patents noted above would **not** find the term “communication line” as recited in Claim 381 as being vague or unclear.

Applicants submit that the Examiner has **not**, at least, analyzed the definiteness of Claim 381 language in light of the teachings of the prior art. Hence the Examiner has **not** established a *prima facie* case of Claim 381 being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention

and Applicants respectfully request that the 35 U.S.C. § 112, second paragraph, rejection be withdrawn.

With respect to section 4, Applicants submit that Claim 386 has been amended to clarify the term “voice-moving image” and request that the rejection be withdrawn.

With respect to the first and second sections 5, Applicants submit that Claims 388-389 have been canceled without prejudice and request that the rejection be withdrawn.

With respect to the second section 5, the Examiner asserts that Claims 393-394 are unclear because it is not clear what is a dependent/independent apparatus.

Applicants submit that the Examiner has **not** established a *prima facie* case of Claims 393-394 being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants note that

“Definiteness of claim language must be analyzed, not in a vacuum, but in light of: A) The content of the particular application disclosure; B) The teachings of the prior art; and C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.” See MPEP §2173.02.

Applicants submit that the Examiner has **not**, at least, analyzed the definiteness of Claims 393-394 language in light of the teachings of the specification.

“In rejecting a claim under the second paragraph of 35 U.S.C. 112, it is incumbent on the Examiner to establish that one of ordinary skill in the pertinent art, when reading the claims in light of the supporting specification, would not have been able to ascertain with a reasonable degree of precision and particularity the particular area set out and circumscribed by the claims.” See Ex parte Wu, 10 USPQ2d 2031, 2033 (B.P.A.I. 1989).

Applicants respectfully submit that Examiner has improperly alleged that is not clear what is a dependent/independent apparatus. See page 3, second section 5 of the Official

Action. Applicants note that the Examiner has not fully considered, by way of an example and not of limitation, remaining language of Claims 393-394. Applicants submit that one of ordinary skill in the pertinent art, when reading the Claims 393-394 in their entirety, would have been able to ascertain the meaning of the terms “dependent apparatus” as recited in Claim 393 and “independent apparatus” as recited in Claim 394 with a reasonable degree of precision and particularity. According to the Claim 393, the “dependent apparatus” is indirectly connected to the network node apparatus, while according to claim 394, the “independent apparatus” is directly connected to a network node apparatus.

Applicants submit that one skilled in the art when reading “dependent apparatus” as recited in Claim 393 and “independent apparatus” as recited in Claim 394 in light of the entire claim language in Claims 393-394 would **not** find the terms “dependent apparatus” and “independent apparatus” as being clear.

Applicants submit that the Examiner has **not**, at least, analyzed the definiteness of Claims 393-394 language in light of the content of the specification. Hence the Examiner has **not** established a *prima facie* case of Claims 393-394 being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention and Applicants respectfully request that the 35 U.S.C. § 112, second paragraph, rejection be withdrawn.

With respect to section 6, Applicants submit that Claim 398 has been amended by deleting the term “dependent type IP telephone” and request that the rejection be withdrawn.

With respect to section 7, Applicants submit that Claim 405 has been amended to clarify the language of the claim and request that the rejection be withdrawn.

With respect to sections 8-10, Applicants submit that Claim 413 has been amended to clarify the language of the claim and request that the rejection be withdrawn.

With respect to section 11, Applicants submit that Claims 419 and 430-431 have been amended to clarify the language of the claims and request that the rejection be withdrawn.

With respect to section 12, Applicants submit that Claim 421 has been amended to depend from Claim 420 that recites “a relay control unit” there by providing antecedent support for the term “the relay control unit” recited in Claim 421. Applicants request that the rejection be withdrawn.

With respect to section 13, Applicants submit that Claim 422 has been amended to depend from Claim 420 that recites “a relay control unit” there by providing antecedent support for the term “the relay control unit” recited in Claim 422. Applicants request that the rejection be withdrawn.

With respect to sections 14-15, Applicants submit that Claims 424-425 have been amended to clarify the language of the claims and request that the rejection be withdrawn.

With respect to section 16, Applicants submit that Claim 426 has been amended to depend from Claim 424 that recites “a voice control unit” there by providing antecedent support for the term “the voice control unit” recited in Claim 426. Applicants request that the rejection be withdrawn.

With respect to sections 17-19, Applicants submit that Claim 432 has been amended to clarify the language of the claim and request that the rejection be withdrawn.

With respect to section 20, Applicants submit that Claims 458, 461 and 464 have been canceled without prejudice and request that the rejection be withdrawn.

With respect to section 21, Applicants submit that Claim 400 has been amended to depend from Claim 381 to clarify claim 400 and request that the rejection be withdrawn.

With respect to section 22, Applicants submit that Claims 434 does not recite the term “a voice IP communication line,” therefore Applicants request that the rejection be withdrawn. Applicants further submit that the Examiner’s rejection of Claims 429 seems to stem from his belief that the term “communication line” is not allegedly used in the packet networks. Applicants respectfully submit that, for the reasons stated above with respect to section 3, one skilled in the art when reading a “communication line” as recited in Claim 429 in light of the teachings of the two granted patents noted above would **not** find the term “communication line” as recited in Claim 429 as being vague or unclear.

With respect to section 23, Applicants submit that Claim 448 has been amended to clarify the language of the claim and Claims 451, 458, 461 and 464 have been canceled without prejudice. Applicants request that the rejection be withdrawn.

With respect to section 24, Applicants submit that Claim 434 has been amended to clarify the language of the claim and request that the rejection be withdrawn.

With respect to section 25, Applicants submit that Claim 434 has been amended to clarify the language of the claim and request that the rejection be withdrawn.

With respect to section 26, Applicants submit that Claim 434 has been amended to clarify the language of the claim and request that the rejection be withdrawn.

Allowable claims

In view of the above amendments, Applicants submit that Claims 381 and 434 are patentable because the Examiner did not reject Claims 381 and 434 in view of the prior art.

35 U.S.C. §103(a) rejections in view of White, Edholm and Black

Claims 406 and 442-443, 445-447 stand rejected under 35 U.S.C. §103(a) as being obvious in view of White (U.S. Patent No. 6,069,890), Edholm (U.S. Patent No. 6,449,269) and further in view of Black (ISDN and SS7, Prentice Hall, 1997, pages 223-248).

Claims 442-443 and 445-447

Applicants submit that Claims 442-443 and 445-447 have been canceled without prejudice.

Claim 406

Applicants submit that White, Edholm and Black do not disclose, suggest or teach, *inter alia*, “using a circuit identification code (CIC) to carry out a communication” as recited in amended Claim 406. Hence, Claim 406 is patentable over White, Edholm and Black and should be allowed by the Examiner.

35 U.S.C. §103(a) rejections in view of Ferris and Black

Claims 419-423, 426-428 and 430-433 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Ferris (U.S. Patent No. 6,195,425) and further in view of Black (ISDN and SS7, Prentice Hall, 1997, pages 223-248).

Claim 419

Applicants submit that Ferris and Black do not disclose, suggest or teach, *inter alia*, “IP transfer network uses a circuit identification code (CIC) to carry out a communication control and includes one or more termination gateway and relay gateway, a connection control IP communication line and a voice IP communication line for telephones are separated, the termination gateway and the relay gateway respectively include a connection server, a connection server 1 in the termination gateway and a connection server 2 in the relay gateway have a function to carry out a connection control for the telephone communication, the telephone communication between telephones 1 and 2 is

carried out via the telephone 1, a communication line, the termination gateway, an internal IP communication line in the IP transfer network, the relay gateway, a Network to Network Interface (NNI) communication line, a public switched telephone network, a telephone line and the telephone 2" as recited in amended Claim 419. Hence, Claim 419 is patentable over Ferris and Black and should be allowed by the Examiner. Claims 420-423 and 426-428, at least based on their dependency on Claim 419, are patentable over Ferris and Black and should be allowed by the Examiner.

Claim 430

Applicants submit that Ferris and Black do not disclose, suggest or teach, *inter alia*, "using a circuit identification code (CIC) to carry out a communication control" as recited in amended Claim 430. Hence, Claim 430 is patentable over Ferris and Black and should be allowed by the Examiner.

Claim 431

Applicants submit that Ferris and Black do not disclose, suggest or teach, *inter alia*, "using a circuit identification code (CIC) to carry out a communication control" as recited in amended Claim 431. Hence, Claim 431 is patentable over Ferris and Black and should be allowed by the Examiner.

Claim 432

Applicants submit that Ferris and Black do not disclose, suggest or teach, *inter alia*, "the connection server on the telephone calling side determines a circuit identification code (CIC) for inter-terminal communication within the IP transfer network by employing both a telephone number provided on the telephone calling side and a telephone number provided on a call reception side, and produces an initial address message (IAM) for setting telephone calling" (emphasis added) as recited in amended Claim 432. Hence, Claim 432 is patentable over Ferris and Black and should be allowed by the Examiner. Claim 433, at least based on its dependency on Claim 432, is patentable over Ferris and Black and should be allowed by the Examiner.

35 U.S.C. §103(a) rejections in view of White, Black, Edholm and Champa

Claim 444 stands rejected under 35 U.S.C. §103(a) as being obvious in view of White, Black, further in view of Edholm and Champa (U.S. Patent No. 6,934,278).

Claim 444

Applicants submit that Claim 444 has been canceled without prejudice.

35 U.S.C. §103(a) rejections in view of Voit and Champa

Claims 393-394 and 398-399 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Voit (U.S. Patent No. 6,104,711) and Champa (U.S. Patent No. 6,934,278).

Claims 393-394

Applicants submit that Claims 393-394 have been amended to depend from Claim 381. Hence, Claims 393-394, at least based on their dependency on Claim 381, are believed to be patentable over Voit and Champa and should be allowed by the Examiner.

Claim 398

Applicants submit that Voit and Champa do not disclose, suggest or teach, *inter alia*, “using a circuit identification code (CIC) to carry out a communication control” as recited in amended Claim 398. Hence, Claim 398 is patentable over Voit and Champa and should be allowed by the Examiner. Claim 399, at least based on its dependency on Claim 398, is patentable over Voit and Champa and should be allowed by the Examiner.

35 U.S.C. §103(a) rejections in view of White and Reshef

Claims 402-403, 413, 415, 436-441 and 448-466 stands rejected under 35 U.S.C. §103(a) as being obvious in view of White and further in view of Reshef (U.S. Patent No. 6,321,337).

Claims 436-441, 451-452 and 454-466

Applicants submit that Claims 436-441, 451-452 and 454-466 have been canceled

without prejudice.

Claim 402

Applicants submit that White and Reshef do not disclose, suggest or teach, *inter alia*, “IP transfer network uses a circuit identification code (CIC) to carry out a communication control” as recited in amended Claim 402. Hence, Claim 402 is patentable over White and Reshef and should be allowed by the Examiner. Claims 403 and 415, at least based on their dependency on Claim 402, are patentable over White and Reshef and should be allowed by the Examiner.

Claim 413

Applicants submit that White and Reshef do not disclose, suggest or teach, *inter alia*, “IP transfer network uses a circuit identification code (CIC) to carry out a communication control” as recited in amended Claim 413. Hence, Claim 413 is patentable over White and Reshef and should be allowed by the Examiner. Claim 403, at least based on its dependency on Claim 402, is patentable over White and Reshef and should be allowed by the Examiner.

Claims 448-450

Applicants submit that White and Reshef do not disclose, suggest or teach, *inter alia*, “said IP transfer network includes a connection phase and a communication phase and registers a record including at least a telephone number, a communication start time and a communication end time” (emphasis added) as recited in amended Claim 448. Hence, Claim 448 is patentable over White and Reshef and should be allowed by the Examiner. Claims 449-450, at least based on their dependency on Claim 448, are patentable over White and Reshef and should be allowed by the Examiner.

Claim 453

Applicants submit that Claim 453 has been amended to depend from Claim 381. Hence, Claim 453, at least based on its dependency on Claim 381, is believed to be patentable over White and Reshef and should be allowed by the Examiner.

35 U.S.C. §103(a) rejections in view of Kung

Claim 429 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Kung (U.S. Patent No. 6,252,952).

Claim 429

Applicants submit that Kung does not disclose, suggest or teach, *inter alia*, “said relay control unit includes a telephone administration server, a telephone number server, a connection server, and a table administration server; and among IP packets entered from an external line to the network node apparatus, a telephone call control IP packet is transferred to the relay control unit, and a voice IP packet is transferred to a voice IP communication line for a voice communication” (emphasis added) as recited in amended Claim 429. Hence, Claim 429 is patentable over Kung and should be allowed by the Examiner.

Conclusion

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Mail Stop RCE Commissioner for Patents POB 1450, Alexandria, VA 22313-1450 on

September 12, 2006
(Date of Deposit)

Aileen Shrestha
(Name of Person Signing)

Aileen Shrestha
(Signature)

September 12, 2006
(Date)

Respectfully submitted,



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Encls:

A petition for a one-month extension of time;
A Request for Continued Examination (RCE);
Partial copy of US 7,016,373;
Partial copy of US 7,028,100;
Check for \$790.00 and \$120.00;
Postcard